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MAY 22 2006**

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Patents, Trademarks  
Copyrights, Unfair Competition  
and Related Litigation

† Also admitted in Idaho  
‡ Also admitted in N.Y. & D.C.

**FACSIMILE**

TO: U.S. Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: Randall B. Bateman

DATE: May 22, 2006

SUBJECT: Notice of Appeal  
U.S. Patent Application for  
AUTOMATED PRESCRIPTION DISPENSING  
SYSTEM AND METHOD OF USE

SERIAL NO.: 10/755,849

ATTY. DOCKET NO.: 1311.DDN.CN

NO. OF PAGES  
TO FOLLOW: 5

REMARKS:

Please see attached.

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**MAY 22 2006**

PTO/SB/21 (09-04)

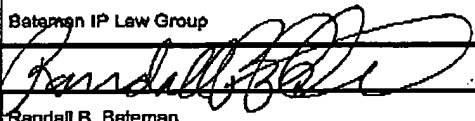
Approved for use through 07/31/2008, OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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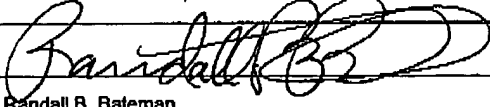
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/755,849	
	Filing Date	January 12, 2004	
	First Named Inventor	Walter M. Bain	
	Art Unit	3653	
	Examiner Name	Jeffrey A. Shapiro	
Total Number of Pages in This Submission	5	Attorney Docket Number	1311.DDN.CN

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <del>Return Document</del> Notice of Appeal
Remarks The Commissioner is hereby authorized to credit any overpayment and debit any amount owing to Deposit Account No. 502720.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Bateman IP Law Group		
Signature			
Printed name	Randall B. Bateman		
Date	May 22, 2006	Reg. No.	37,774

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Randall B. Bateman	Date	May 22, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (01-06)

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 250.00

**Complete if Known**

Application Number	10/755,849
Filing Date	January 12, 2004
First Named Inventor	Walter M. Bain
Examiner Name	Jeffrey A. Shapiro
Art Unit	3653
Attorney Docket No.	1311.DDN.CN

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MAY 22 2006**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 502720 Deposit Account Name: Randall B. Bateman
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		
	<b>Multiple Dependent Claims</b>	
	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notice of Appeal Fee

Fees Paid (\$)

250.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 37,774	Telephone (801) 533-0320
Name (Print/Type)	Randall B. Bateman	Date	May 22, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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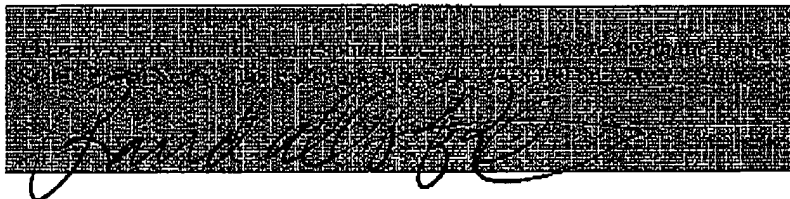
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: Walter M. Bain  
Serial Number: 10/755,849  
Filed: January 12, 2004  
Art Unit: 3653  
Examiner: Jeffrey A. Shapiro  
For: Automated Prescription Dispensing System and  
Method of Use  
Attorney Docket: 1311.DDN.CN

VIA FACSIMILE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313,1450

NOTICE OF APPEAL

Dear Sir:

In response to the Final Office Action dated March 6, 2006, Applicant hereby appeals to the Board of Patent Appeals and Interferences.

Applicant claims small entity status and has included a credit card authorization for the small entity fee of \$250.00.

Claims 60 - 112 are currently pending.

The Director is hereby authorized to credit any overpayment and debit any amount owing to Deposit Account No. 502720 throughout the pendency of this case.

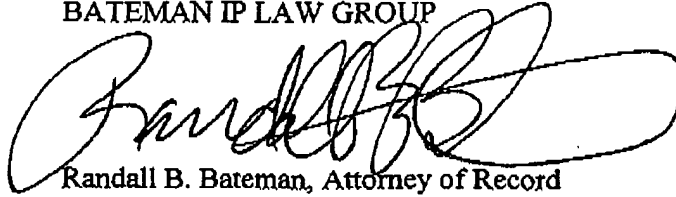
Sincerely,

05/23/2006 TL0111 00000029 10755849

01 FC:2401

250.00 0P

BATEMAN IP LAW GROUP

A large, stylized handwritten signature in black ink, appearing to read 'Randall B. Bateman', is written over the printed name.

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RBB:ws